

SENATE BILL No. 181

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-19-3-6.

Synopsis: County option surcharges on state park fees. Allows a county containing a state park, forest, game preserve, recreation area, or reservoir to impose a surcharge on fees collected within the park or other area. Requires that proceeds of the surcharge be used to assist the unit of local government that provides police protection, fire protection, emergency medical services, or road repairs to the park or other entity. Provides that the surcharge may not be collected on property that is owned by the United States Army Corps of Engineers unless the surcharge is approved by the Army Corps of Engineers.

Effective: July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 181

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-7.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7.5. "Annual pass", for
3 ~~the~~ purposes of IC 14-19-3-5 and **IC 14-8-2-87.8**, has the meaning set
4 forth in IC 14-19-3-5(a).

5 SECTION 2. IC 14-8-2-87.8 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2004]: **Sec. 87.8. (a) "Fees", for purposes of IC 14-19-3-6, means**
8 **fees that are paid upon or after entering a state forest, game**
9 **preserve, park, recreation area, or reservoir.**

10 **(b) The term includes:**

- 11 **(1) entrance or admission fees;**
12 **(2) rental fees, including those for campsites and shelters; and**
13 **(3) the fee for an annual pass or a Golden Hoosier Passport**
14 **purchased at a state forest, game preserve, park, recreation**
15 **area, or reservoir.**

16 **(c) The term does not include amounts paid for food, lodging, or**
17 **gift shop purchases at a state park inn or other facility operated by**
18 **a contractual vendor.**

19 SECTION 3. IC 14-8-2-289, AS AMENDED BY P.L.52-2001,



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SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 289. "Unit of local government":

(1) for purposes of IC 14-12-1, has the meaning set forth in IC 14-12-1-3; and

(2) for purposes of **IC 14-19-3** and IC 14-22-10, means a:

(A) county;

(B) city;

(C) town; or

(D) township;

located in Indiana.

SECTION 4. IC 14-19-3-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 6. (a) This section applies to a county containing all or part of a state forest, game preserve, park, recreation area, or reservoir under the jurisdiction of the department.**

(b) The fiscal body of a county containing all or part of a state forest, game preserve, park, recreation area, or reservoir may adopt an ordinance to impose a surcharge on all fees collected by the department within the state forest, game preserve, park, recreation area, or reservoir.

(c) If a county fiscal body adopts an ordinance under this section:

(1) the county shall notify the director of the department; and

(2) the department shall report the surcharge collected under the ordinance on forms approved by the county treasurer.

(d) The rate of surcharge imposed under this section is five percent (5%) of the gross income derived from fees collected by the department within the state forest, game preserve, park, recreation area, or reservoir.

(e) The department shall begin collecting a surcharge within sixty (60) days after the department receives notice from the county fiscal body that it has adopted an ordinance under this section. The department shall pay the surcharge collected during a month to the county treasurer not later than the end of the following month.

(f) If a state forest, game preserve, park, recreation area, or reservoir is located in two (2) or more counties, the following apply:

(1) The total surcharge on fees collected by the department within the state forest, game preserve, park, recreation area, or reservoir is five percent (5%) of gross income derived from fees collected by the department in the state forest, game

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1 preserve, park, recreation area, or reservoir.

2 (2) If only one (1) county adopts an ordinance under this
3 section, all of the surcharge proceeds shall be distributed to
4 that county.

5 (3) If more than one (1) county adopts an ordinance under
6 this section, the department shall apportion the proceeds of
7 the surcharge among the adopting counties. The share of each
8 adopting county shall be based on the ratio of the area of the
9 state forest, game preserve, park, recreation area, or
10 reservoir that is contained within the adopting county, as
11 determined by the department, to the total area of the state
12 forest, game preserve, park, recreation area, or reservoir.

13 A county must adopt an ordinance under this section to receive
14 proceeds of the surcharge.

15 (g) The surcharge proceeds collected by the department and
16 paid to the county treasurer shall be used in accordance with the
17 ordinance adopted under this section to assist the unit of local
18 government that provides:

- 19 (1) police protection;
- 20 (2) fire protection;
- 21 (3) services of emergency medical technicians; or
- 22 (4) road repairs;

23 to the state forest, game preserve, park, recreation area, or
24 reservoir under the jurisdiction of the department.

25 (h) The surcharge allowed by this section applies only to gross
26 income derived from fees collected by the department within the
27 state forest, game preserve, park, recreation area, or reservoir and
28 is in addition to any applicable tax.

29 (i) If the department maintains and operates a state forest, game
30 preserve, park, recreation area, or reservoir under a lease
31 arrangement with the United States Army Corps of Engineers, the
32 department may not begin collecting a surcharge on fees collected
33 within the state forest, game preserve, park, recreation area, or
34 reservoir under this section unless the collection of the surcharge
35 has been approved by the United States Army Corps of Engineers.

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